

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
NO. 3:18-CV-00669-FDW-DCK**

DONNA JOHNS and PAMELA JEAN)
FRICK, on behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,)
)
v.)
)
ALLURA USA LLC, PLYCEM USA LLC)
D/B/A ALLURA, PLYCEM USA, INC.,)
ELEMENTIA USA, INC., ELEMENTIA,)
S.A. DE C.V.,)
Defendants.)
)

MOTION FOR EXTENSION OF TIME

NOW COME Defendants Allura USA LLC, Plycem USA LLC, Elementia USA, Inc., and Elementia S.A.B. de C.V. (“Defendants”)¹, by and through undersigned counsel, and respectfully move the Court pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and this Court’s initial Scheduling Order to extend the deadline to respond to Plaintiffs’ Complaint up to and including January 23, 2019. In support of this motion, the Defendants show the Court as follows:

1. This action was removed from state court to this Court on December 17, 2018;
2. The deadline for Defendants to respond to the Complaint is December 24, 2018;
3. Defendants believe there is good cause for requesting this extension, in part

¹ Neither defendant Allura USA LLC nor defendant Plycem USA, Inc. exists as an independent corporate entity. Allura is merely a trade name of Plycem USA LLC. Plycem USA, Inc. merged into Plycem USA LLC and no longer maintains any independent corporate existence. Accordingly, these non-existent entities are not properly named and should be stricken from the caption. Additionally, the caption misnames Elementia S.A.B. de C.V. as Elementia S.A. DE C.V.

because the parties are actively discussing a streamlined plan for completing an initial investigation and potential resolution of this matter, which involves homeowners in North Carolina;

4. Counsel for Defendants request additional time to review the Complaint and to prepare a response; and

5. Counsel for the Plaintiffs has consented to such an extension.

6. Defendants expressly reserve any and all defenses, including, but not limited to, jurisdictional defenses and a defense that the claims at issue must be brought before an arbitrator, pursuant to an arbitration clause set forth in bold type-face in an applicable Limited Warranty.

WHEREFORE, the Defendants move the Court

1. To extend the deadline for them to file their responses to Plaintiffs' Complaint up to and including January 23, 2019; and

2. For such other and further relief as may be proper.

This the 18th day of December, 2018.

/s/ Ashley K. Brathwaite
Ashley K. Brathwaite (N.C. Bar 33830)
Ellis & Winters LLP
4131 Parklake Avenue
Suite 400
Raleigh, NC 27612
Tel: (919) 573-1297
Fax: (919) 865-7010
ashley.brathwaite@elliswinters.com

Joseph D. Hammond (N.C. Bar 45657)
Ellis & Winters LLP
300 North Greene Street
Suite 800
Greensboro, NC 27401
Tel: (336) 389-5694
Fax: (336) 217-4198
joe.hammond@elliswinters.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Ashley Brathwaite, hereby certify that on December 18, 2018, a true and correct copy of the foregoing was served via first-class mail upon the following:

Daniel K. Bryson
Scott C. Harris
Harper T. Segui
Whitfield, Bryson & Mason LLP
900 W. Morgan Street
Raleigh, NC 27603
919-600-5000
dan@wbmlp.com
scott@wbmlp.com
harper@wbmlp.com

Attorneys for Plaintiffs

/s/ Ashley K. Brathwaite
Ashley K. Brathwaite
Ellis & Winters LLP
4131 Parklake Avenue
Suite 400
Raleigh, NC 27612
Tel: (919) 573-1297
Fax: (919) 865-7010
ashley.brathwaite@elliswinters.com

Attorney for Defendants

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ORDER GRANTING MOTION FOR EXTENSION OF TIME

THIS MATTER is before the Court on Defendants', Allura USA LLC, Plycem USA LLC, Elementia USA, Inc., and Elementia S.A.B. de C.V. ("Defendants"), Motion For Extension of Time to file their response to Plaintiffs' Complaint.

IT APPEARS that good cause exists to grant the motion and that Plaintiffs' counsel has consented to the requested extension.

WHEREFORE, the motion is hereby **GRANTED**; and

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the time within which the Defendants have to respond to the Complaint is extended up to and including January 23, 2019.

SO ORDERED